

LENNON, MURPHY & LENNON, LLC
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
LIBRA SHIPPING PTE LTD.	: 08 CV 6247 (AKH)
	:
Plaintiff,	: ECF CASE
	:
- against -	:
	:
DUCK MARITIME CORP.,	: <u>ANSWER</u>
	:
Defendant.	:
-----X	

Defendant, DUCK MARITIME CORP. ("DMC" or "Defendant"), by its attorneys, LENNON, MURPHY & LENNON, LLC, answering the Complaint propounded by Plaintiff, LIBRA SHIPPING PTE LTD. (hereafter referred to as "LIBRA" or "Plaintiff") dated July 10, 2008 respectfully shows to the Court and alleges upon information and belief as follows:

1. Denies that this is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure or within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint.
3. Admits that DMC is a foreign corporation.
4. Admitted.
5. Denied.

6. Denied.

7. Denied.

8. Admitted.

9. Admitted that LIBRA has failed to commenced London arbitration in conformity with the charter party.

10. Denied. Denies that arbitration of LIBRA's alleged claims would take up to three years and further denies that Plaintiff would be entitled to compound interest as alleged.

11. Admits that Defendant could not be "found" within the District at the time of the filing of this action but refers the Court to the action filed by DMC against LIBRA under case number 08 CV 5393 (BSJ) in this District. Denies the remainder of the allegations contained in paragraph 11 of the Complaint.

12. Denied.

FIRST AFFIRMATIVE DEFENSE

13. Plaintiff's Complaint fails to state a maritime cause of action for which relief can be granted pursuant to Supplemental Rule B and thus the Complaint should be dismissed.

SECOND AFFIRMATIVE DEFENSE

14. Plaintiff's Complaint should be dismissed as the claim(s) alleged therein should have been asserted as a compulsory counterclaim within the action commenced by Defendant under case number 08 CV 5393 (BSJ) in this District.

FOURTH AFFIRMATIVE DEFENSE

15. This Court lacks personal jurisdiction over DMC.

FIFTH AFFIRMATIVE DEFENSE

16. This action should be dismissed on the grounds of improper venue.

SIXTH AFFIRMATIVE DEFENSE

17. This action should be dismissed on the grounds of *forum non conveniens*.

SEVENTH AFFIRMATIVE DEFENSE

18. Improper and insufficient service of process on this answering Defendant.

EIGHT AFFIRMATIVE DEFENSE

19. Failure to properly comply with Local Admiralty Rule B.2 as pertains to notice that should have been promptly provided to DMC once its property had been attached pursuant to LIBRA's service of the Process of Maritime Attachment and Garnishment.

NINTH AFFIRMATIVE DEFENSE

20. Plaintiff has failed to properly mitigate its alleged damages.

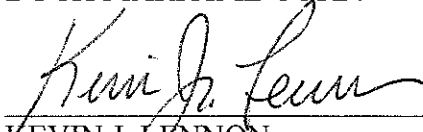
TENTH AFFIRMATIVE DEFENSE

21. The action must be stayed pending the outcome of London arbitration as per the arbitration clause within the parties' contracts. The Court should issue an Order compelling LIBRA to commence arbitration.

WHEREFORE, the Defendant, DUCK MARITIME CORP., prays that this Honorable Court enter judgment in favor of the answering Defendant against the Plaintiff, dismissing Plaintiff's Complaint and vacating the Order authorizing issuance of Process of Maritime Attachment and Garnishment, including reasonable counsel fees, and that Defendant be granted such other and further relief as this Court may deem to be just and proper.

Dated: August 7, 2008
New York, NY


LENNON, MURPHY & LENNON, LLC
Attorneys for Defendant
DUCK MARITIME CORP.

By: 
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AFFIRMATION OF SERVICE

I hereby certify that on August 7, 2008, a copy of the foregoing **ANSWER** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.



Kevin J. Lennon